



Environmental Services Department



Stakeholder Meeting ES-2014-003 Food Service Worker Certification Monday September 22, 2014

Stakeholders Present: Vernon Stout – State Food Safety, Chianne Hewer – AZ Restaurant Association, Kate Piche – NRA/ServSafe, Cathy McCullough – NRA/ServSafe, Elisa Cain – NRA/ServSafe, Roberdo Angel – Albertson, Christine Ruiz – State Food Safety

Staff Present: John Kolman – Director Environmental Services Department, Andy Linton – Division Manager Environmental Health, Ken Conklin – Division Manager Quality & Compliance Division, Hether Krause – Environmental Operation Supervisor Quality & Compliance Division, David Morales – Supervisor Quality & Compliance Division, Joan Minichiello – Management Analyst Quality & Compliance Division, Michelle Chester – Training Officer Quality & Compliance Division, Lene Pope – Development Services Technician Quality & Compliance Division

Presenter(s): Hether Krause and Andy Linton

Minutes*: Hether Krause started off the meeting by discussing the [Enhanced Regulatory Outreach Program](#) (EROP) and the updated website. The EROP was put together by the Board of Supervisors (BOS) to allow for more transparency of any regulatory changes and updates. Andy Linton explained that the Food Service Worker requirements are listed in Chapter 7 of the Maricopa County Environmental Health Code (MCEHC). Recently, Arizona Legislators passed A.R.S. [§11-269.12 – Food handler training and certificate, which went into effect](#) in July 2014. The Department is proposing changes to Chapter 7 of the MCEHC to bring the requirements into alignment with the new law. A copy of the Draft Code Mockup (attached) was handed out. Some of the proposed changes also bring language and definitions into alignment with those used in the 2009 FDA Food Code. Andy Linton went over the presentation (attached) and explained the proposed revisions. One of the proposed revisions stems directly from the State Statute which is “a valid food employee certificate, or identification card issued by any County within Arizona” will now be accepted. A “valid food employee certificate of successful completion of a department food handler training, or a “valid food employee certificate of successful completion of a third party food handler training course that meets all statutory requirements, including compliance with the American National Standard Institute (ANSI)/[ASTM International Standard E2659-09](#) will also be accepted.

Questions from Stakeholders and MCESD answers:

- The certificates expire within 30 days of issuance, so you have 30 days to take that certificate to the MCESD office to get your card, so how can the certificate of course completion be valid for 3 years?
 - In Regulation 2 it talks about the “Person in charge shall ensure food employees are training on foodborne disease prevention, per chapter III, section 2 of the MCEHC within 30 days of performing food employee activities.” The language proposes that this training be conducted within 30 days of conducting food handling activities. The

person in charge may show the inspector documentation of training with any of the three options outlined in this part of the regulation.

- So the employees no longer need to come in to one of the MCESD offices to get the County issued card?
 - That is correct, the certificate and/or documentation of training will suffice.
- Will the MCESD be tracking who has completed training?
 - The Department may request the documentation of training during inspections.
- So it's not going to be like in the past, where you were able to track the people that completed the training?
 - Correct, food employees will no longer need to come into our office to get a card. Since we no longer will be maintaining a database with all the cards that have been issued, we will no longer have a database of food employees who have received training.

MCESD will still be issuing is the Certified Food Protection Manager's Card; they will still have to come into one of our locations to get a card.

- You mentioned that there are several statutory requirements for the food employee, can they be found somewhere other than Chapter 7, and is the 80% pass rate still the same?
 - In addition to the areas covered in the statute, we will develop a "Substantive Policy Statement" to outline the specific areas of knowledge from the FDA Food Code that have to be covered by the training.
 - There is nothing specific in the regulation on an exam's passing score; only that the food service training course meets the ANSI/ASTM standard.

Meeting adjourned.

*In order for the minutes to be relevant; only those questions and comments that were applicable to the topic presented were recorded. All other questions and comments not relevant to the topic were addressed either at the time of the meeting or shortly thereafter.




Initial Stakeholder Meeting

**Proposed Revisions
Maricopa County Environmental Health Code**

**CASE # ES-2014-003
Food Service Worker Certification**

**Maricopa County Environmental Services Department
September 22, 2014**




Maricopa County Environmental Services Department

**Working with our community
to ensure a safe and healthy environment**

VISION STATEMENT:
As the recognized regional environmental leader, we will develop and foster innovative environmental health protection programs for the safety of our residents and their environment.

MISSION STATEMENT:
The mission of the Environmental Services Department is to provide safe food, water, waste disposal and vector borne disease reduction controls to the people of Maricopa County so that they may enjoy living in a healthy and safe community.




MARICOPA COUNTY ENHANCED REGULATORY OUTREACH PROGRAM



Maricopa County's Enhanced Regulatory Outreach Program (EROP) Departments seek to ensure the safety and well-being of our community. Because we understand that regulations and rule-making decisions, discussions, and meetings can be confusing, we have developed this website to allow citizens to easily monitor and engage in the adoption and amendment of all regulations.

AIR QUALITY • ENVIRONMENTAL SERVICES • FLOOD CONTROL • PLANNING & DEVELOPMENT • PROCUREMENT SERVICES • TRANSPORTATION

<http://www.maricopa.gov/regulations/>





REGULATORY ADOPTION PROCESS STEP-BY-STEP

Item Number	Description	Comment Now!
ES 2014-001	Step 1: County Manager Briefed the Board of Supervisors	Comment Now!
ES 2014-002	Step 2: Conduct Stakeholder Workshop	Comment Now!
ES 2014-003	Step 3: Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission	Comment Now!
	Step 4: Public Meeting to Initiate Regulatory Change	Comment Now!
	Step 5: Specific Departmental Processes	Comment Now!
	Step 6: Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission	Comment Now!
	Step 7: Public Meeting to Make Recommendation to Board of Supervisors	Comment Now!
	Step 8: Schedule BOS Public Hearing	Comment Now!
	Step 9: Board of Supervisor Public Hearing	Comment Now!
	Step 10: Item Adopted	Comment Now!

<http://www.maricopa.gov/regulations/es/process.aspx>




EROP Notifications Include:

- Follow the Regulatory Process
- Regulatory Meetings
- Current Regulatory Index
- Substantive Policy Statements



<http://www.maricopa.gov/regulations/Notifications.aspx>




Citizen Comments

Your input will be collected and forwarded to the appropriate department. We appreciate your comments and your time. If you prefer, you can send your comments via email.

Case Information
I would like to: * Select Case #

Your Information
First Name * Last Name *
Organization
City * Zip
Email *
Phone Number Phone Type: mobile work home
Would you like for someone to contact you? yes no

Comments
If you would like to attach supporting documentation associated with your comment, please click here.

<http://www.maricopa.gov/regulations/comments.aspx>

Chapter 7 Food Employees/Managers

ARS §11-269.12
Food handler training and certificate



Chapter 7 Food Employees/Managers

Regulation 1. Definitions –

Alignment with 2009 FDA Food Code:

Current Terms	2009 FDA Food Code terms
Food Service Manager	Certified Food Protection Manager
Food Service Manager Card	Certified Food Protection Manager Card
Food Service Worker	Food Employee

- Define “Person In Charge”

Chapter 7 Food Employees/Managers

Regulation 1. Definitions –

Fee Waived Food Employee Certificate:
means a document issued by the department certifying that an individual working under a Maricopa County Board of Health fee waiver has fulfilled the training requirements.

Limited Use Food Employee Certificate:
means a document issued by the Department certifying that an individual with a disability has fulfilled the requirements to perform specific low public health risk activities

Chapter 7 Food Employees/Managers

Regulation 2. Person In Charge and Certified Food Protection Manager –

- Person in Charge shall ensure Food Employees are trained on foodborne disease prevention, per Chapter III, Section 2 of the Maricopa County Environmental Health Code within 30 days of performing Food Employee activities.
 - Temporary, seasonal, special event must train prior to event.
- Regulation 4 (Food Employee Training Documentation) may serve as documentation of this training.
- Maintain documentation of training on premises

Chapter 7 Food Employees/Managers

Regulation 2. Person In Charge and Certified Food Protection Manager –

- Each food establishment must have at least one Certified Food Protection Manager (CFPM) on staff –
 - Physically present or available by phone/electronic means while operating.
- Replace CFPM within 90 days of separation
- Department-issued card after completing approved CFPM course.
- Valid for 5 years.

Chapter 7 Food Employees/Managers

Regulation 3. Food Employee Certificates –

- Limited Use Food Employee Certificate
- Fee Waived Food Employee Certificate
 - Fee waiver from Board of Health
 - K-12 culinary arts school program with fee waiver



Chapter 7 Food Employees/Managers

Regulation 4. Food Employee Training Documentation –

Food Employee training documentation may be shown by the following:

- Valid Food Employee certificate, or identification card, issued by another county within Arizona.
- Valid Food Employee certificate of successful completion of a Department food handler training course



Chapter 7 Food Employees/Managers

Regulation 4. Food Employee Training Documentation –

Food Employee training documentation may be shown by the following:

- Valid Food Employee certificate of successful completion of third party food handler training course that meets all statutory requirements, including compliance with the American National Standards Institute/ASTM International Standard E2659-09.

Department and third party certificates expire within 3 years of issuance.



Chapter 7 Food Employees/Managers

Regulation 6. Exemptions –

Food establishments serving only prepackaged foods are not required to have a Certified Food Protection Manager on staff.



Thank you for your participation!
We welcome your questions and comments.

<http://www.maricopa.gov/regulations/>

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MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VII

FOOD SERVICE WORKERS EMPLOYEES/CERTIFIED FOOD PROTECTION MANAGERS

REGULATION 1. Definitions

- a. ~~“Food Service Manager”~~ **“CERTIFIED FOOD PROTECTION MANAGER”** means any person who supervises/trains a food **EMPLOYEE** ~~service worker(s)~~ to follow all food safety regulations (Chapter VII and Chapter VIII). The manager shall be a full time employee of the individually permitted food establishment where employed.
- b. ~~“Food Service Manager Card”~~ **“CERTIFIED FOOD PROTECTION MANAGER CARD”** means a document issued by the Department certifying that an individual has fulfilled the requirements to work as a ~~Food Service Manager~~ **CERTIFIED FOOD PROTECTION MANAGER.**
- c. ~~“Food Service Worker”~~ **“FOOD EMPLOYEE” SHALL HAVE THE SAME MEANING AS ARS §11-269.12 FOOD HANDLER, AND** means any person who handles, prepares, serves, sells or gives away food for consumption by persons other than his or her immediate family, or who handles utensils and equipment appurtenant thereto. The term does not include persons in establishments regulated under this code who handle food or drink exclusively in closed crates, cartons, packages, bottles or similar containers in which no portion of the food or drink is exposed to contamination through such handling.
- d. ~~“Food Service Worker Card” means a document issued by the Department certifying that an individual has fulfilled the requirements to work as a food service worker.~~
- D e. **“Limited Use Food EMPLOYEE CERTIFICATE Card”** means a document issued by the Department certifying that an individual with a disability has fulfilled the requirements to perform specific low public health risk activities.
- E. **"PERSON IN CHARGE" MEANS THE INDIVIDUAL PRESENT AT A FOOD ESTABLISHMENT WHO IS RESPONSIBLE FOR THE OPERATION AT THE TIME OF INSPECTION.**
- F. **“FEE WAIVED FOOD EMPLOYEE CERTIFICATE” MEANS A DOCUMENT ISSUED BY THE DEPARTMENT CERTIFYING THAT AN INDIVIDUAL WORKING UNDER A MARICOPA COUNTY BOARD OF**

HEALTH FEE WAIVER HAS FULFILLED THE TRAINING REQUIREMENTS.

REGULATION 2. ~~Display of Food Service Worker/Manager Cards~~ PERSON IN CHARGE AND CERTIFIED FOOD PROTECTION MANAGER

~~Each food establishment shall maintain on its premises a separate file containing the food service worker cards and food service manager cards for each food service worker and food service manager. This file shall be accessible to the Environmental Health Officer for review upon request.~~

- A. THE PERSON IN CHARGE OF A FOOD ESTABLISHMENT SHALL ENSURE FOOD EMPLOYEE(S) ARE TRAINED ON FOODBORNE DISEASE PREVENTION IN ACCORDANCE WITH CHAPTER VIII, SECTION 2 OF THE MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE, WITHIN 30 DAYS OF PERFORMING ANY FOOD EMPLOYEE ACTIVITY.**
- B. THE PERSON IN CHARGE OF A TEMPORARY FOOD ESTABLISHMENT, SEASONAL FOOD ESTABLISHMENT, OR SPECIAL EVENT FOOD ESTABLISHMENT SHALL ENSURE FOOD EMPLOYEE(S) ARE TRAINED ON FOODBORNE DISEASE PREVENTION IN ACCORDANCE WITH CHAPTER VIII, SECTION 2 OF THE MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE, PRIOR TO THE START OF THE EVENT.**
- C. A VALID FOOD EMPLOYEE CERTIFICATE OR IDENTIFICATION CARD AS DESCRIBED IN REGULATION 4 OF THIS CHAPTER, MAY SERVE AS DOCUMENTATION OF TRAINING.**
- D. EACH FOOD ESTABLISHMENT SHALL MAINTAIN ON ITS PREMISES A SEPARATE FILE CONTAINING FOOD EMPLOYEE TRAINING DOCUMENTATION.**
- E. EACH FOOD ESTABLISHMENT SHALL HAVE AT LEAST ONE (1) CERTIFIED FOOD PROTECTION MANAGER ON STAFF, WHO IS EITHER PHYSICALLY PRESENT OR AVAILABLE BY ELECTRONIC OR TELEPHONIC MEANS WHENEVER THE FOOD ESTABLISHMENT IS IN OPERATION.**
- F. EACH FOOD ESTABLISHMENT SHALL REPLACE THE CERTIFIED FOOD PROTECTION MANAGER WITHIN NINETY (90) DAYS OF SEPARATION.**
- G. A CERTIFIED FOOD PROTECTION MANAGER SHALL OBTAIN A CERTIFIED FOOD PROTECTION MANAGER CARD FROM THE**

DEPARTMENT AFTER SUCCESSFUL COMPLETION OF A TEST FROM A FOOD PROTECTION MANAGER CERTIFICATION PROGRAM AS DESCRIBED IN THE 2013 FDA FOOD CODE, § 2-102.20. A CERTIFIED FOOD PROTECTION MANAGER CARD SHALL EXPIRE FIVE (5) YEARS FROM THE DATE OF SUCCESSFUL COMPLETION OF A CERTIFIED FOOD PROTECTION MANAGER TEST.

REGULATION 3 ~~Limited Use Food Service Worker Cards~~ FOOD EMPLOYEE CERTIFICATES

~~The Department may issue a Limited Use card when requested to reasonably accommodate a person with a disability.~~

THE DEPARTMENT MAY ISSUE THE FOLLOWING FOOD EMPLOYEE CERTIFICATES:

A. A LIMITED USE FOOD EMPLOYEE CERTIFICATE MAY BE ISSUED TO REASONABLY ACCOMMODATE A PERSON WITH A DISABILITY.

~~a.1.~~ A person with a Limited Use Food **EMPLOYEE Service-Worker CERTIFICATE Card** shall be under direct supervision of the food establishment's **CERTIFIED Food Service PROTECTION Manager** at all times when handling food or food contact surfaces.

~~b.2.~~ The food establishment's **CERTIFIED Food Service PROTECTION Manager** shall be responsible for all Limited Use Food **EMPLOYEE Service-Worker CERTIFICATE Card** applicants, ~~and~~ for requesting a Department onsite visit to have the Department officially document any training and to witness the applicant's associated functions and duties assigned by the **CERTIFIED Food Service PROTECTION Manager**.

~~e.3.~~ Upon Department approval, the applicant will receive ~~written authorization to have a~~ Limited Use Food **EMPLOYEE Service-Worker Card CERTIFICATE**. ~~issued at the Department's offices with proof of lawful presence in accordance with Arizona State Statute (A.R.S.§41-1080).~~

~~d.~~ ~~The Limited Use Food Service-Worker Card shall expire three years from the date of issue and the fee is the same as listed in Chapter I of this code for Food Service-Worker Cards.~~

~~e.~~ ~~Applicants may have a Limited Use Food Service-Worker Card reissued by following Paragraphs 1. a. through d. 3. of this Regulation 3.A.~~

B. A FEE WAIVED FOOD EMPLOYEE CERTIFICATE MAY BE ISSUED TO:

- 1. A FOOD EMPLOYEE FOR WHICH MARICOPA COUNTY BOARD OF HEALTH HAS WAIVED PAYMENT OF ASSOCIATED FEES DUE TO THEIR CHARITABLE OR NONPROFIT STATUS.**
- 2. A FOOD EMPLOYEE ENROLLED IN A K-12 CULINARY ARTS SCHOOL PROGRAM OR OTHER SIMILAR CURRICULUM BASED PROGRAMS FOR WHICH MARICOPA COUNTY BOARD OF HEALTH HAS WAIVED PAYMENT OF ASSOCIATED FEES.**

REGULATION 4. ~~Food Service Manager Training~~ FOOD EMPLOYEE TRAINING DOCUMENTATION

- ~~a. All food service managers shall obtain a food service manager card by completing a food service manager sanitation test certified by an ANSI accredited organization meeting the Conference for Food Protection accreditation standard. The certificate, diploma, or credential obtained there from shall be presented to the Department for issuance of a food service manager card. A food service manager card shall not be issued until the food service manager card fee established by Chapter I of this code is received by the Department. All food service manager cards issued under this subsection shall expire five (5) years from the date of issue of the certification, diploma, or credential presented.~~

A. FOOD EMPLOYEE TRAINING DOCUMENTATION MAY BE SHOWN BY THE FOLLOWING:

- 1. A VALID FOOD EMPLOYEE CERTIFICATE, OR IDENTIFICATION CARD, ISSUED BY ANOTHER COUNTY WITHIN THE STATE OF ARIZONA; OR**
- 2. A VALID FOOD EMPLOYEE CERTIFICATE OF SUCCESSFUL COMPLETION OF A FOOD HANDLER TRAINING COURSE GIVEN BY THE DEPARTMENT; OR**
- 3. A VALID FOOD EMPLOYEE CERTIFICATE OF SUCCESSFUL COMPLETION OF A THIRD PARTY FOOD HANDLER TRAINING COURSE THAT MEETS ALL STATE OF ARIZONA STATUTORY REQUIREMENTS, INCLUDING COMPLIANCE WITH THE AMERICAN NATIONAL STANDARDS INSTITUTE/ASTM INTERNATIONAL STANDARD E2659-09.**

- B. A CERTIFICATE ISSUED UNDER PARAGRAPHS 2 AND 3 OF REGULATION 4 SHALL EXPIRE THREE (3) YEARS FROM THE DATE OF ISSUE.**

~~REGULATION 5. Food Service Worker Training~~

- a. ~~Except as specified in paragraph b of this Section, within thirty (30) days of performing any food service worker activity, all food service workers shall obtain a food service worker card by completing a food service worker sanitation course or test given by the Department, or show evidence of having completed a substantially similar course or test sponsored or accredited by the Department. The food service worker exam or class fee established by Chapter I of this code shall be paid prior to the initiation of the test or sanitation course. All food service worker cards issued under this subparagraph shall expire three (3) years from the date of issue. A food service worker card shall not be issued until the food service worker card fee established by Chapter I of this Environmental Health Code is received by the Department.~~
- b. ~~Temporary food establishment, seasonal food establishment, and special event food establishment food service workers shall obtain a food service worker card prior to the start of the event.~~

~~REGULATION 6. Food Service Manager's Duty~~

- a. ~~All food establishment locations shall have at least one (1) certified food service manager on staff, who is either physically present or available by electronic or telephonic means whenever the food establishment is in operation.~~
- b. ~~A food service establishment has ninety (90) days to replace a certified food service manager who is no longer employed at the food service establishment location.~~

REGULATION 75. Communicable Disease

- a. Notwithstanding any other provision in this code, should the Environmental Health Officer reasonably believe that a food **EMPLOYEE** ~~service worker~~ or **CERTIFIED** food ~~Service~~ **PROTECTION** manager may be a carrier of or infected with a communicable disease which can be transmitted to the public, through food, the environmental health officer shall immediately notify the Director of the Maricopa County Department of Public Health, (MCDPH) who may: (1) examine or cause the examination of the food **EMPLOYEE** ~~service worker~~, and (2) secure from the food **EMPLOYEE** ~~service worker~~ or **CERTIFIED** food ~~Service~~ **PROTECTION** manager appropriate specimens or fluids of body discharge and cause them to be examined at a laboratory approved

by the Director of MCDPH or by the Arizona Department Of Health Services. The Environmental Health Officer may exclude from any food service work any food **EMPLOYEE** ~~service—worker~~ or **CERTIFIED** food ~~Service~~ **PROTECTION** manager who has or demonstrates any illness or symptoms of a communicable disease that may be transmitted through food from food service work. A person so excluded shall not thereafter engage in food service work until approved by the Director of MCDPH.

- b. If required by the Director of MCDPH, a food **EMPLOYEE** ~~service—worker~~ or **CERTIFIED** food ~~Service~~ **PROTECTION** manager shall furnish such information, submit to physical examination, and submit such specimen for laboratory examination, as the MCDPH Director may require for the purpose of determining freedom from communicable disease. The failure of a food **EMPLOYEE** ~~service—worker~~ or **CERTIFIED** food ~~Service~~ **PROTECTION** manager to do so to the satisfaction of the Director of MCDPH, shall be sufficient basis for excluding the food **EMPLOYEE** ~~service—worker~~ or **CERTIFIED** food ~~Service~~ **PROTECTION** manager from such occupation.
- c. No Change

REGULATION 86. Exemptions

Any food establishment, as defined in Chapter VIII of this code, exclusively serving prepackaged foods ~~that are not potentially hazardous (time/temperature control for safety) foods~~ is exempt from Regulations ~~4 and 6~~ **2 PARAGRAPH E.** of this Chapter.